

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ANALYTICAL TECHNOLOGIES, LLC,
Plaintiff,
v.
AMERICAN DAIRY QUEEN CORPORATION,
Defendant.

C.A. NO. 2:24-CV-00445-JRG-RSP

JURY TRIAL DEMANDED

LEAD CASE

ANALYTICAL TECHNOLOGIES, LLC,
Plaintiff,
v.
STARBUCKS CORPORATION,
Defendant.

C.A. NO. 2:24-CV-00448-JRG-RSP

MEMBER CASE

PLAINTIFF’S ANSWER TO COUNTERCLAIMS

Analytical Technologies, LLC (“Plaintiff” and “Counter-Defendant”) hereby files this Answer to the Counterclaims filed by Defendant Starbucks Corporation (“Starbucks” or “Defendant”) at Dkt. No. 52, and would respond as follows:

NATURE OF THE ACTION

1. Plaintiff admits there is a controversy and that Plaintiff has brought suit against Defendant for infringement of the ’803 Patent.

PARTIES

2. Plaintiff lacks sufficient information to admit or deny this allegation.
3. Plaintiff admits this allegation.
4. Plaintiff denies this allegation and demands strict proof thereof.

JURISDICTION AND VENUE

5. Plaintiff admits there is a controversy. Plaintiff denies that Defendant is entitled to any relief whatsoever.

6. Plaintiff admits there is a controversy. Plaintiff denies that Defendant is entitled to any relief whatsoever.
7. The plaintiff incorporates its responses above.
8. The plaintiff incorporates its responses above.
 - a. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
 - b. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
 - c. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
 - d. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
 - e. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
 - f. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
 - g. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
 - h. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
 - i. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
 - j. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
 - i. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff

further denies that Defendant is entitled to any relief whatsoever.

ii. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.

iii. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.

iv. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.

k. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.

l. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever. The plaintiff incorporates its responses above.

9. Plaintiff denies this allegation and demands strict proof thereof.

10. The plaintiff incorporates its responses above.

COUNTERCLAIM 1: NON-INFRINGEMENT

11. Plaintiff incorporates its responses above.

12. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.

13. Plaintiff incorporates its responses above.

14. Plaintiff incorporates its responses above.

15. Plaintiff denies this allegation and demands strict proof thereof.

16. Plaintiff denies this allegation and demands strict proof thereof.

17. US8799083B1 expired on November 11, 2023.

18. Plaintiff admits this allegation.

19. Plaintiff admits this allegation.

20. Plaintiff denies this allegation and demands strict proof thereof.
21. Plaintiff denies this allegation and demands strict proof thereof.
22. Plaintiff incorporates its responses above.
23. Plaintiff incorporates its responses above.
24. Plaintiff incorporates its responses above.
25. Plaintiff admits this allegation.
26. Plaintiff admits this allegation.
27. Plaintiff admits this allegation.
28. Plaintiff incorporates its responses above.
29. Plaintiff admits this allegation.
30. Plaintiff admits this allegation.
31. Plaintiff incorporates its responses above.
32. Plaintiff incorporates its responses above.
33. Plaintiff admits this allegation.
34. Plaintiff incorporates its responses above.
35. Plaintiff admits this allegation.
36. Denied.
37. Denied.
38. Denied.
39. Denied.
40. Denied.
41. Denied.
42. Denied.
43. Denied.
44. Denied.

- 45. Denied.
- 46. Denied.
- 47. Denied.
- 48. Denied.
- 49. Denied.
- 50. Denied.

COUNTERCLAIM 2: TUFTA (against Rothschild)

- 51. Not applicable.
- 52. Not applicable.
- 53. Not applicable.
- 54. Not applicable.
- 55. Not applicable
- 56. Not applicable
- 57. Not applicable.
 - a. Not applicable
 - b. Not applicable
 - c. Not applicable
 - d. Not applicable
 - i. Not applicable
 - ii. Not applicable
 - e. Not applicable
- 58. Not applicable
- 59. Not applicable
- 60. Not applicable

- 61. Not applicable
- 62. Not applicable
- 63. Not applicable
- 64. Not applicable
- 65. Not applicable
- 66. Not applicable
- 67. Not applicable
- 68. Not applicable
- 69. Not applicable
- 70. Not applicable
- 71. Not applicable
- 72. Not applicable
- 73. Not applicable
- 74. Not applicable
- 75. Not applicable
- 76. Not applicable
- 77. Not applicable
- 78. Not applicable
- 79. Not applicable
- 80. Not applicable
- 81. Not applicable
- 82. Not applicable
- 83. Not applicable
- 84. Not applicable
- 85. Not applicable

- 86. Not applicable
- 87. Not applicable
- 88. Not applicable
- 89. Not applicable
- 90. Not applicable
- 91. Not applicable Not applicable
- 92. Not applicable
- 93. Not applicable
- 94. Not applicable
- 95. Not applicable
- 96. Not applicable
- 97. Not applicable
- 98. Not applicable
- 99. Not applicable
- 100. Not applicable
- 101. Not applicable
- 102. Not applicable
- 103. Not applicable
- 104. Not applicable
- 105. Not applicable
- 106. Not applicable
- 107. Not applicable
- 108. Not applicable
- 109. Not applicable
- 110. Not applicable

- 111. Not applicable
- 112. Not applicable
- 113. Not applicable
- 114. Not applicable
- 115. Not applicable
- 116. Not applicable
- 117. Not applicable
- 118. Not applicable
- 119. Not applicable
- 120. Not applicable
- 121. Not applicable
- 122. Not applicable
- 123. Not applicable
- 124. Not applicable
- 125. Not applicable
- 126. Not applicable
- 127. Not applicable
- 128. Not applicable
- 129. Denied
- 130. Denied
- 131. Denied
- 132. Denied
- 133. Denied

PRAYER FOR RELIEF

Plaintiff denies all allegations in Defendant's Prayer for Relief, and further denies Defendant is entitled to any relief whatsoever.

AFFIRMATIVE DEFENSES

1. **Failure to State a Claim.** The Counterclaims, and each count therein, fail to state a claim upon which relief may be granted.
2. **Unjust Enrichment.** Defendant improperly enriched itself and should not benefit for its improper and illegal acts.
3. **Validity.** Plaintiff affirmatively pleads that all Asserted Patents are valid.
4. **Infringement.** Plaintiff affirmatively pleads that Defendant has infringed, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement), all valid, enforceable claims of the Asserted Patents.
5. **Lack of Standing.** Defendant does not have any right or standing to assert the claims at issue.
6. **Legal Doctrine.** Defendant's Counterclaim against Plaintiff are barred by one or more of the equitable doctrines of laches, estoppel, acquiescence, waiver, and unclean hands.
7. **Reservation.** Plaintiff reserves the right to assert additional affirmative defenses as they become known through additional investigation and/or discovery during the course of this litigation.
8. **Lack of Capacity.**

Dated: November 13, 2024

Respectfully Submitted

/s/ Randall Garteiser

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